

House Bill 363

By: Representatives Marin of the 96th, Nguyen of the 89th, Moore of the 95th, Park of the 101st, Kausche of the 50th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated,
2 relating to the official state language, so as to require reasonable access to public services for
3 non-English speakers; to provide for related matters; to provide for a short title; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 This Act shall be known and may be cited as the "Access to Public Services for Non-English
8 Speakers Act."

9 **SECTION 2.**

10 Article 4 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to the
11 official state language, is amended by revising Code Section 50-3-100, relating to the
12 designation of English as the official state language, as follows:

13 "50-3-100.

14 (a) The English language is designated as the official language of the State of Georgia.
15 The official language shall be the language used for each public record, as defined in Code
16 Section 50-18-70, and each public meeting, as defined in Code Section 50-14-1, and for
17 official Acts of the State of Georgia, including those governmental documents, records,
18 meetings, actions, or policies which are enforceable with the full weight and authority of
19 the State of Georgia.

20 (b) This Code section shall not be construed in any way to deny a person's rights under the
21 Constitution of Georgia or the Constitution of the United States or any laws, statutes, or
22 regulations of the United States or of the State of Georgia as a result of that person's
23 inability to communicate in the official language.

24 (c) ~~State agencies, counties, municipal corporations, and political subdivisions of this state~~
25 ~~are authorized to use or to print official documents and forms in languages other than the~~

~~official language, at the discretion of their governing authorities. Documents filed or recorded with a state agency or with the clerk of a county, municipal corporation, or political subdivision must be in the official language or, if the original document is in a language other than the official language, an English translation of the document must be simultaneously filed. Each department, agency, board, commission, or authority of the state or any political subdivision thereof shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency. Such steps shall include, but not necessarily be limited to:~~

(1) Provision of in-house oral language services including staff interpreters, bilingual staff, or interpreter programs for individuals with limited English proficiency if contact with individuals with limited English proficiency regularly occurs; and

(2) Translation of applications, informational materials, notices, complaint forms, and other vital documents into any language spoken by at least 3 percent of the population within the geographic area served by such department, agency, board, commission, authority, or political subdivision as measured by the most current United States census; provided, however, that this paragraph shall not apply to the translation of applications and examinations related to the licensure, certification, or registration of businesses or professionals.

(d) The provisions of subsection (a) of this Code section shall not apply:

(1) When in conflict with federal law;

(2) When the public safety, health, or justice requires the use of other languages;

(3) To instruction designed to teach the speaking, reading, or writing of foreign languages;

(4) To instruction designed to aid students with limited English proficiency in their transition and integration into the education system of the state; and

(5) To the promotion of international commerce, tourism, sporting events, or cultural events.

(e) The Department of Human Services, in consultation with the office of the Attorney General, shall provide central coordination and technical assistance to state entities to ensure implementation of subsection (c) of this Code section."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.